

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Further Streamlining Part 25 Rules Governing	)	IB Docket No. 18-314
Satellite Services	)	

**REPLY COMMENTS OF INTELSAT LICENSE LLC**

Intelsat License LLC (“Intelsat”) files these Reply Comments in response to comments on the Federal Communications Commission’s (“FCC” or “Commission”) efforts to streamline its Part 25 rules in the above-captioned proceeding (“NPRM”).<sup>1</sup> Comments filed in this proceeding demonstrate broad stakeholder support for the Commission’s initiative to simplify its licensing and regulatory processes to better facilitate the provision of satellite services to the public. Intelsat urges the Commission to adopt several of the common-sense proposals that received unanimous support among commenters, such as repealing Section 25.170’s annual reporting requirement and eliminating the notification requirement for minor modifications to licensed earth stations that do not increase the risk of interference. However, Intelsat urges the Commission to decline to adopt the proposed 60-day “cure period,” which could be used to circumvent the FCC’s first-come, first-served licensing policy.

**I. NUMEROUS COMMENTERS AGREE THAT THE FCC SHOULD ELIMINATE BURDENSOME AND UNNECESSARY REQUIREMENTS IN PART 25.**

There is broad support for the FCC’s goal to streamline Part 25 of the Commission’s rules to simplify the licensing and registration process. Given the consensus among commenters

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<sup>1</sup> See generally, *Further Streamlining Part 25 Rules Governing Satellite Services*, Notice of Proposed Rulemaking, IB Docket No. 18-134, FCC 18-165 (rel. Nov. 15, 2018) (“NPRM”).

on multiple proposals, Intelsat reiterates its support for: repealing Section 25.170's annual reporting requirement;<sup>2</sup> eliminating the notification requirement for minor modifications to licensed earth stations that do not increase the risk of interference;<sup>3</sup> and replacing the Section 25.202(f) out-of-band emissions rule with International Telecommunication Union Recommendation ("ITU-R") SM.1541-6.<sup>4</sup> These common-sense proposals are uncontroversial and will further the Commission's goal of deploying satellite services to the public more quickly

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<sup>2</sup> NPRM, ¶ 17. This proposal was unanimously supported by commenters who addressed it. *See* Iridium Comments, IB Docket No. 18-314, at 2 (Mar. 18, 2019) ("Iridium Comments"); WorldVu Satellites Limited Comments, IB Docket No. 18-314, at 6 (Mar. 18, 2019) ("OneWeb Comments"); SES American, Inc. and O3b Limited Comments, IB Docket No. 18-314, at 5 (Mar. 18, 2019) ("SES Comments"); Viasat, Inc. Comments, IB Docket No. 18-314, at 8-9 (Mar. 18, 2019) ("Viasat Comments"); Eutelsat S.A. Comments, IB Docket No. 18-314, at 3 (Mar. 18, 2019) ("Eutelsat Comments"); Commercial Smallsat Spectrum Management Association Comments, IB Docket No. 18-314, at 2 (Mar. 18, 2019) ("CSSMA Comments"); Echostar Satellite Operating Corporation and Hughes Network Systems, LLC Comments, IB Docket No. 18-314, at 6 (Mar. 18, 2019) ("Echostar Comments"); Maxar Technologies Inc. Comments, IB Docket No. 18-314, at 2-3 (Mar. 18, 2019) ("Maxar Comments").

<sup>3</sup> NPRM, ¶ 22. This proposal was unanimously supported by commenters who addressed it. OneWeb Comments at 7; Viasat Comments at 11-12; CSSMA Comments at 4; Echostar Comments at 8; Maxar Comments at 3.

<sup>4</sup> NPRM, ¶ 19. This proposal was unanimously supported by commenters who addressed it. SES Comments at 5; Viasat Comments at 9-10; Eutelsat Comments at 3; CSSMA Comments at 2-3; Echostar Comments at 6-7. The National Academy of Sciences Committee on Radio Frequencies ("CORF") filed comments in this proceeding regarding concerns of potential interference to various passive space science services. CORF did not express a concern with the Commission's proposal to modify Section 25.202(f) to reference ITU Recommendation SM.1541-6 but did raise a concern that the proposed language may remove the ability of the Commission to review individual situations and place additional conditions on satellite licenses. The National Academy of Sciences Committee on Radio Frequencies Comments, IB Docket No. 18-314, at 11-13 (Mar. 18, 2019). However, the proposed modification would not in any way limit the Commission's authority to place additional conditions on satellite licenses as the Commission's broad licensing authority is not tied to Section 25.202(f).

and efficiently by streamlining and eliminating unnecessary barriers to the satellite licensing process.<sup>5</sup> Accordingly, Intelsat supports their adoption.

## **II. SEVERAL COMMENTERS SHARE INTELSAT’S CONCERN WITH THE 60-DAY “CURE PERIOD” PROPOSAL.**

Several commenters share Intelsat’s concerns with the cure period proposal that would allow applicants to correct any errors or omissions within 60 days of a Commission request.<sup>6</sup> As Intelsat pointed out, satellite operators are sophisticated applicants.<sup>7</sup> In addition to having the expertise to construct, launch, and operate satellite systems, satellite applicants have the capacity to comply with the FCC’s procedural requirements. Indeed, although the rationale of this proposal is to prevent the dismissal of applications with “minor application deficiencies,”<sup>8</sup> supporters of this proposal have yet to identify an actual instance of this occurring.<sup>9</sup> This dearth of examples can be attributed in part to the fact that the Commission’s current policy—allowing applicants to supplement their applications on a case-by-case basis—works well. The current Commission policy appropriately safeguards against automatic rejection of applications with minor deficiencies while preserving the FCC’s authority to dismiss grievously incomplete applications.

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<sup>5</sup> See NPRM, Statement of Chairman Ajti Pai (“[T]oday, we take steps to simplify the FCC’s satellite licensing process and encourage the launch of new satellite systems.”).

<sup>6</sup> Intelsat License LLC Comments, IB Docket No. 18-314, at 6-7 (Mar. 18, 2019) (“Intelsat Comments”); SES Comments at 6-7; Viasat Comments at 11.

<sup>7</sup> Intelsat Comments at 7.

<sup>8</sup> Echostar Comments at 7.

<sup>9</sup> See *id.*; Iridium Comments at 4-5; Viasat Comments at 10-11.

Moreover, several commenters also agree with the Commission's concern that this proposal could enable satellite operators to file "placeholder applications designed to reserve the position of a woefully incomplete application in the first-come, first served queue."<sup>10</sup> SES aptly points out that under this cure period proposal, "no application, however 'woefully incomplete' under Commission rules, would be subject to immediate dismissal."<sup>11</sup> Applicants could thus secure their place in the queue using applications that are intentionally incomplete or inaccurate, effectively blocking later-in-time applicants with sincere, ready-to-deploy proposals that will serve the public interest.

A cure period would also undermine the policy behind the FCC's first-come, first-served licensing system. The Commission adopted this policy to "act on satellite applications dramatically more quickly and efficiently . . . ."<sup>12</sup> In doing so, the Commission facilitates (1) more rapid delivery of service to consumers; (2) more efficient spectrum usage by "reduc[ing] the amount of time spectrum lies fallow;" and (3) easier compliance with ITU bringing-into-use requirements by U.S. satellite operators, thereby preserving American leadership in the satellite industry.<sup>13</sup> A 60-day cure period would upset this framework by potentially introducing an unnecessary two-month delay into the application review process.

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<sup>10</sup> NPRM, ¶ 21.

<sup>11</sup> SES Comments at 7.

<sup>12</sup> *Amendment of the Commission's Space Station Licensing Rules and Policies*, First Report and Order and Further Notice of Proposed Rulemaking, IB Docket No. 02-34, 18 FCC Rcd. 10760, ¶ 74 (2003).

<sup>13</sup> *Id.*

In the NPRM, the Commission proposed “minimum criteria” for acceptance for filing to mitigate the risk that applicants would submit “placeholder applications.”<sup>14</sup> However, this mitigation proposal would not adequately safeguard against the potential for operators to circumvent the FCC’s well-established, first-come, first-served policy. The minimum criteria are, and should remain, the satellite application requirements specified in Section 25.114 and applicable service-specific application requirements contained in Part 25 of the Commission’s rules. Anything less would serve only to lower the bar for an acceptable application without providing any additional benefit to legitimate applicants or the public. Regardless of the criteria, applicants eager to reserve their spot in the satellite queue would still have less incentive to file detailed and precise applications because they could rely on the cure period as an opportunity to correct defective applications. Accordingly, attempts to mitigate gamesmanship under the cure period are unlikely to prove effective. For the reasons expounded upon in the record and in this filing, the Commission should not adopt the 60-day cure period proposal.

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<sup>14</sup> NPRM, ¶ 21.

### III. CONCLUSION

Intelsat urges the FCC to incorporate the multiple, uncontroversial proposals receiving unanimous support but respectfully asks the Commission not to adopt the 60-day cure period proposal given concerns raised by the Commission itself, Intelsat, and other commenters.

Respectfully submitted,

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